

**Goals: This session should help the participant:**

- Understand what discrimination in employment means.
- Know how to avoid discrimination in employment decisions.

**1. Discriminatory Employment Practices Are Illegal and Unfair**

- It's illegal to discriminate when you hire, fire, promote, or provide benefits to employees.
 - Employment practices can't discriminate against people based on their race, color, age, sex, religion, national origin, or disability.
 - Government contractors are specifically required to have nondiscriminatory practices.
- It's unfair to base employment decisions on anything other than individual qualifications and abilities.
 - It denies opportunity to qualified individuals.
 - It limits an employer's access to the most qualified individuals.
- It's unfair to apply different standards, or to apply standards differently, to different individuals.
- The only basis for making fair and legal employment decisions is the individual's ability and/or qualifications to do the job.

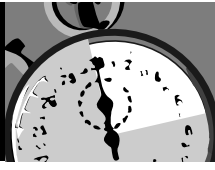
2. Equal Employment Opportunity Laws Affect All Employment Practices

- Use objective job-related criteria for all employment decisions, including whom you hire, promote, train, discipline, fire, etc.
- Avoid discrimination in day-to-day supervisory activities and decisions.
 - Pay men and women equally for the same or comparable jobs.
 - Provide qualified people with disabilities with reasonable accommodations when requested.
 - Don't play favorites.
 - Don't make assumptions about an individual's abilities, interests, etc., based on age, sex, or other factors unrelated to qualifications and performance.
- Consider all employment decisions from the viewpoint of an objective observer.
 - Ask yourself if your decisions could be considered discriminatory.

3. Be Aware of Legal Protections Against Discrimination

Federal laws protect employees against discrimination based on:

- **Age:** Individuals can't be rejected or fired just because they're over 40.
 - Their benefits must be equal to younger workers unless there's proof that older workers' benefits cost more.



- **Sex:** You can't reject a man or woman for a job just because it's traditionally held by the opposite sex.
 - Women and men must get equal pay for equal work.
 - You can't use pregnancy, childbirth, and related medical conditions as reasons to fire, deny a job, or force a leave; those conditions must also qualify for the same benefits than other temporary disabilities.
- **Race, color, religion, and national origin:** Employment decisions can't be based on these personal characteristics.
- **Sexual harassment:** Sexual demands can't be a condition for employment or other job decisions.
 - Unwelcome sexual advances and requests for sexual favors, or a hostile work environment, are illegal sexual harassment.
- **Disability:** Qualified individuals can't be denied job opportunities just because of a physical or mental disability or a record or reputation of one.
 - Employers must make reasonable accommodations when requested if it doesn't impose undue hardship.
- **National origin or citizenship status:** Citizens or noncitizens legally permitted to work in this country can't be denied job opportunities based on their ancestry, accent, etc.

Applicable Regulations: Age Discrimination in Employment Act, Americans with Disabilities Act, Civil Rights Act Title VII, Equal Pay Act, Executive Order 11246, Immigration Reform and Control Act, Older Workers Benefits Protection Act, Pregnancy Discrimination Act, Rehabilitation Act of 1973, Uniformed Services Employment and Reemployment Act, Vietnam Era Veterans Readjustment Act of 1974

Summary:

- It's illegal to discriminate against people in employment situations for reasons that have nothing to do with their ability to do the job. Keeping that simple rule in mind can help avoid lawsuits and offer a competitive edge in attracting and keeping qualified individuals.

Discussion Tips:



- Distribute copies of the handout and ask for questions about how antidiscrimination laws work.
- Review your organization's antidiscrimination policies, emphasizing the importance of applying objective job-related criteria to all employment decisions.

Knowledge Review:



- Have participants complete the Discrimination Quiz. It provides a useful review of their understanding of the subject.

Discrimination

SEVEN STEPS TO UNDERSTANDING DISCRIMINATION IN EMPLOYMENT

- 1** Individuals who belong to “protected classes” are protected by law from discrimination in employment.
- 2** Protected classes are those who are considered potential victims of discrimination such as minorities, women, or people with disabilities.
- 3** Federal laws specifically prohibit most employers from discriminating against applicants or employees who are members of protected classes.
- 4** Federal laws give discrimination victims the right to a jury trial and possible compensatory and punitive damages if they win.
- 5** Employers who receive government contracts generally must have written equal employment opportunity plans and, in some cases, affirmative action plans that use goals, not quotas.
- 6** Equal employment opportunity laws provide individuals with equal opportunities in the workplace—not entitlements.
- 7** Equal employment opportunity requires keeping an open mind about individuals and basing employment decisions on objective, documented criteria.

Discrimination

DISCRIMINATION QUIZ

- 1. Employment practices can't discriminate against people based on race, color, age, sex, religion, national origin, or disability.**
 - a. True b. False
- 2. Discriminatory employment practices harm employers because they restrict access to the best-qualified employees.**
 - a. True b. False
- 3. Employment decisions should all be based on:**
 - a. Making the workforce homogeneous
 - b. Objective, job-related criteria
 - c. Supervisors' personal likes and dislikes
- 4. Government contractors must have specific quotas for women, the disabled, and members of minority groups.**
 - a. True b. False
- 5. You can assume that women, members of certain ethnic groups, and the disabled can't perform jobs that require heavy lifting.**
 - a. True b. False
- 6. Workers of all ages are entitled to the same benefits unless it can be proved that older workers' benefits cost more.**
 - a. True b. False
- 7. Age discrimination in employment refers to workers who are over the age of 65.**
 - a. True b. False
- 8. Sexual harassment is considered a form of discrimination.**
 - a. True b. False
- 9. You can't discriminate against a qualified person just because he or she has a physical or mental disability.**
 - a. True b. False
- 10. Antidiscrimination laws apply to hiring and firing, but supervisors can use any criteria they wish for promotions and raises.**
 - a. True b. False

Name: _____

Date: _____

Discrimination

ANSWERS TO DISCRIMINATION QUIZ

1. a. True.
2. a. True.
3. b. Objective, job-related criteria.
4. b. False. They may have to have affirmative action plans, but not quotas.
5. b. False. It's discriminatory to make assumptions about what a person can or can't do based on the group to which they belong. Each individual should have an equal opportunity and be judged by his or her particular ability, experience, etc.
6. a. True.
7. b. False. It refers to workers over age 40.
8. a. True.
9. a. True.
10. b. False. Antidiscrimination laws apply to all employment decisions.